

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 1-23 are pending in the application.

Claims 1-23 were rejected over LANDRIEVE WO01/73447 (U.S. equivalent 6,796,713). That rejection is respectfully traversed.

The position set forth in the Official Action is that LANDRIEVE discloses with respect to Figure 6 a means 25 for braking a rotating part. This means is said to include elastic tabs 29, hook 30, rigid part 40, sealing lip 41 of sealing element 39 and the axial protrusion 33b of the support 33 of the encoder 16. The Examiner considers the sealing lip 41 as being an annular friction element and first part 25 as a component equipped with flexible tabs bearing against an annular friction element so as to continuously brake the rotating part.

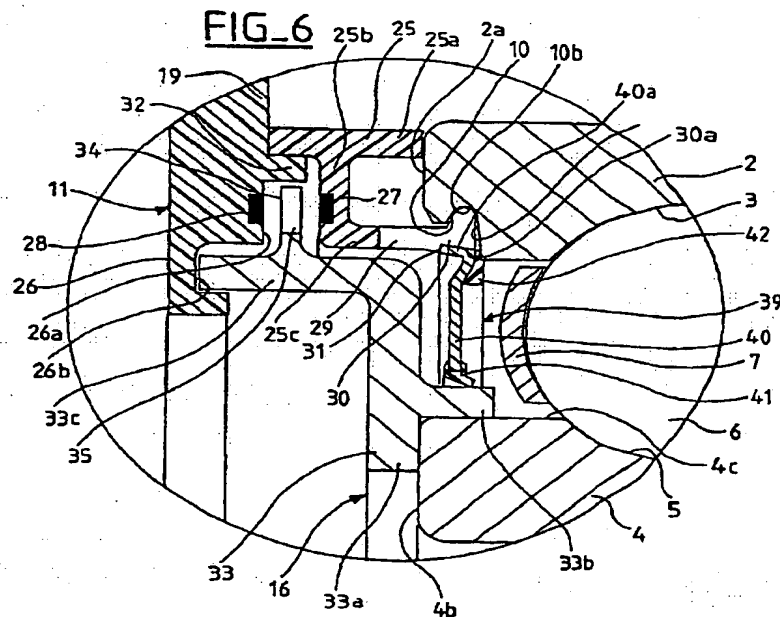
As the cited reference is applicant's earlier patent, applicant is knowledgeable as to the disclosure of this reference and this reference does not disclose that for which it is offered.

Rather, flexible tabs 29 are provided to maintain first part 25 of the sensor unit 11 on the outer ring 2. The flexible tabs have neither a sealing function nor a braking function. Moreover, as the flexible tabs 29 are cut into separate tabs with

respect to attachment portion 25, the flexible tabs are separated one with respect to another by cutouts that would hinder any sealing function. See column 6, lines 54-59.

Sealing element 39 includes rigid part 40 and sealing lip 41. This element is disclosed on column 8, lines 20-30 as a sealing element and does not provide a braking function. While flexible tabs 29 support sealing element 39, nevertheless, the flexible tabs 29 are not part of the sealing element and have no braking function.

In addition, the flexible tabs 29 do not bear against the annular friction element 41. Rather, as seen in Figure 6 of LANDRIEVE, reproduced below, the rigid part 40 is between the flexible tabs 29 and the sealing lip 41.



As seen in Figure 6, rigid part 40 is a rigid element having a substantially radial shape. This element is designed to have a very high radial stiffness and due to its annular shape would not transmit any radial force exerted on one of its ends to the other. On the contrary, this element supports such a radial force without transmitting it.

Further, as seen in Figure 6, flexible tabs 29 are configured to be self-retained in groove 10, without the aid of element 39. This is because first part 25 is mounted to outer race 2 before sealing element 39 is mounted. Consequently, the first part 25 is self-retained in outer race 2 without the need for sealing element 39. Of course, the free end 40a of element 39 has a locking function to prevent disassembly as disclosed on column 8, lines 39-42.

In view of the above, it is apparent that the flexible tabs 29 are not capable of continuously braking the rotating part, but only support the sealing element 39.

Nevertheless, in order to advance prosecution and further define over the cited art, independent claims 1, 22 and 23 are amended and recite that one of the annular friction member and the at least one component equipped with flexible tabs is rotating and another one of the annular friction member and the at least one component equipped with flexible tabs is non-rotating. Support for this new limitation may be found on page 3, lines 20-23.

The element offered in the Official Action as meeting the limitation of the component equipped with flexible tabs (first part 25) and the element offered as meeting the limitation of the annular friction member (sealing lip 41) are both rotating. LANDRIEVE does not disclose that one of the annular friction member and the at least component equipped with flexible tabs is rotating and another one of the annular friction member and the at least component equipped with flexible tabs is non-rotating as recited.

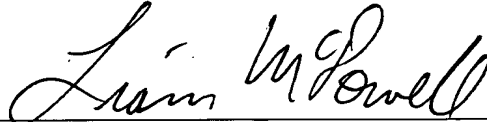
As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Liam McDowell", written in dark ink.

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